

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

9 FLAGSHIP WEST LLC, a California)	1:02-cv-5200 OWW
10 limited liability company,)	SUPPLEMENTAL SCHEDULING
11 MARVIN J. REICHE; KATHLEEN)	CONFERENCE ORDER FOLLOWING
REICHE,)	REMAND
12 Plaintiff/)	Plaintiffs' Opening Brief
Appellees,)	Filing Deadline: 9/4/09
13 v.)	Defendants' Opposition
14 EXCEL REALTY PARTNERS, L.P.; a)	Filing Deadline: 10/2/09
15 Delaware limited partnership,)	Plaintiffs' Reply Filing
16 NEW PLAN EXCEL REALTY TRUST,)	Deadline: 10/16/09
17 INC., a Maryland corporation,)	Hearing Date: 11/2/09 11:00
18 Defendants/)	Ctrm. 3
Appellants.)	

I. Date of Scheduling Conference.

A Scheduling Conference was held following spreading of the mandate in the District Court on August 12, 2009. Plaintiffs were represented by John Fairbrook, Esq. Defendants were represented by Mark E. Kogan, Esq., and Stephen E. Carroll, Esq. After discussion, the following Scheduling Order is entered:

1. Plaintiffs shall file their opening brief concerning the issue of the enforceability of the rescission clause of the governing contract on or before September 4, 2009.

1 2. Defendants shall file their opposition on or before
2 October 2, 2009.

3 3. Plaintiffs' reply shall be filed on or before October
4 16, 2009.

5 4. The matters shall be heard on November 2, 2009, in
6 Courtroom 3 at 11:00 a.m. Plaintiff shall not raise any new
7 matter in the reply memorandum of law.

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9 IT IS SO ORDERED.

10 Dated: August 13, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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